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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,027

08/10/2006

Raymond Gass

LUTZ 200750

4216

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EXAMINER

NGUYEN, PHUNG HOANG JOSEPH

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

10/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/589,027	Applicant(s) GASS ET AL.	
	Examiner PHUNG-HOANG J. NGUYEN	Art Unit 2614	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1 and 3-15.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/CURTIS KUNTZ/
 Supervisory Patent Examiner, Art Unit 2614

/Phung-Hoang J Nguyen/
 Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because: Applicant states in a very compacted way that McCalmont fails to teach or suggest sending a signaling text message via electronic mail. The Examiner contends that because McCalmont mentions networks that send information in a "packet-based" format, McCalmont suggests sending a signaling text message via email. Applicant's representative respectfully disagrees and points out that McCalmont is silent with regard sending any type of information via electronic mail, (Remark, page 8).

Examiner respectfully answer in a bit more detail as examiner has admitted in the office action that McCalmont does not explicitly spell out that said signaling message is a text message; that said text message is sent in the form of electronic mail; and that said text message is sent in the form of an SMS type short message.

What lead examiner to appreciate the obviousness of the claimed feature in McCalmont is that McCalmont states several places "the additional caller information may include information that is delivered visually to a public safety answering point operator (col. 16, lines 33-34)". "Automatic number identification (ANI) is a feature for 9-1-1 services that was developed to allow the caller's telephone number to be delivered with the call and displayed at the PSAP, (col. 2, lines 6-9)". "When the PSAP receives the call, it queries the automatic location identification (ALI) system with the ESQK. The ALI system recognizes that the ESQK is associated with the PS and queries the PS across an interface. The PS returns to the ALI pertinent information related to the caller (latitude and longitude, address, crash information, etc.) The ALI returns this information to the PSAP to allow the PSAP to display the information to the PSAP operator, (col. 5, lines 20-27)". "The operator may receive display information regarding the current emergency on a viewing screen. The display information may include, for example, the location of the emergency event, the type of emergency, the severity of a collision, the identity of the client, and the type of assistance required, (col. 9, lines 56-61). Furthermore, McCalmont teaches the availability of Internet in the computer network and MSC comprising mobile communication device. As McCalmont points out the base station or cell cites 272 is generally in wireless communication with the mobile communication device 268. As can be appreciated by those of skill in the art, a mobile communication network 220 typically contains a large number of base stations 272 to provide coverage to a large geographic area. As can also be appreciated, a base station 272 may include a communication satellite where, for example, the mobile communication device 268 comprises a satellite telephone. The mobile switching center 276 handles the routing of communications between a mobile communication device 268 and the public switched telephone network 204, (col. 10, lines 56-65 and col. 11, lines 1-24). These types of networks are packet-based and are widely available for the use of text message, e-mail and SMS message.